



**PROPOSED RULE MAKING
(RCW 34.05.320)**

CR-102 (7/22/01)
**Do NOT use for expedited
rule making**

Agency: Department of Ecology

A.O. # 03-02

☒ Original Notice

- ☒ Preproposal Statement of Inquiry was filed as WSR 03.03.019 ; or
☐ Expedited Rule Making -- Proposed notice was filed as WSR _____; or
☐ Proposal is exempt under RCW 34.05.310(4).

☐ Supplemental Notice

to WSR _____

☐ Continuance of WSR _____

(a) Title of rule: (Describe Subject) Chapter 173-26 WAC, State Master Program Approval/Amendment Procedures and Shoreline Master Program Guidelines.
Purpose: New Shoreline Management Act (SMA) Guidelines for Development/Amendment of Master Programs, to implement statutory requirements to update the guidelines consistent with SMA policy, replacing Parts 3 and 4 of chapter 173-26 WAC which were invalidated after administrative review. Among other things, these rules establish planning and regulatory definitions and standards for future shoreline development and uses, requirements for protection and restoration of shoreline ecological functions, guidance on the limitations of regulatory authority and guidance on shorelines and growth management act integration. The following sections of chapter 173-26 WAC will be repealed and replaced with new rule language: WAC 173-26-170 through 350. Existing Part V Ocean Management is proposed to remain unchanged, but relabeled as Part IV of Chapter 173-26.

Other identifying information: N/A

(b) Statutory authority for adoption: Chapter 90.58 RCW and specifically RCW 90.58.060.

Statute being implemented: Chapter 90.58 RCW and specifically RCW 90.58.020, .050, and .060.

(c) **Summary:** The proposed rule provides updated guidance for local governments and the department in developing and amending local shoreline master program policies and regulations. The local government shoreline master programs, the SMA, and these guidelines identify requirements and strategies for regulation of development, uses and activities in shoreline areas throughout the state, implementing the policies and requirements of the SMA.

Reasons supporting proposal: The 1995 legislature directed Ecology to periodically review and adopt new guidelines consistent with SMA policy and integrate shorelines and growth management plans and development regulations. Updated guidelines will provide direction to local governments, the state and its citizenry in implementing the SMA. The shoreline guidelines have not been comprehensively updated since original adoption over thirty years ago. New guidelines are needed to recognize: advancements in science regarding how shorelines should be managed, changes in law, the character of shoreline development and innovations in shorelines and growth management practice.

(d) Name of Agency Personnel Responsible for:	Office Location	Telephone
1. Drafting..... Peter Skowlund	Ecology Headquarters, Lacey	360-407-6522
2. Implementation.... Peter Skowlund	Ecology Headquarters, Lacey	360-407-6522
3. Enforcement..... Peter Skowlund	Ecology Headquarters, Lacey	360-407-6522

(e) Name of proponent (person or organization): Department of Ecology

- ☐ Private
☐ Public
☒ Governmental

(f) Agency comments or recommendations, if any, as to statutory language, implementation, enforcement and fiscal matters: N/A

(g) Is rule necessary because of:

Federal Law?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	If yes, ATTACH COPY OF TEXT Citation:
Federal Court Decision?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	
State Court Decision?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	

(h) HEARING LOCATION:

See attached for hearing locations and times.

Assistance for persons with disabilities: Contact

Debi Irwin by July 28, 2003

360) 407-7291 or 711 (TTY) or 1-800-833-8973 (TTY)

Submit written comments to:

Shoreline Guidelines Comments

P.O. Box 47600

Olympia, WA 98504-7600

or e-mail: shorelineguidelines@ecy.wa.gov

or FAX (360) 407-6902 By: 5:00 p.m. September 15, 2003

DATE OF INTENDED ADOPTION: December 1, 2003

CODE REVISER USE ONLY
CODE REVISER'S OFFICE
STATE OF WASHINGTON
FILED

JUNE 17, 2003
TIME 3:25 PM
WSR 03-13-108

NAME (TYPE OR PRINT)
Tom Fitzsimmons

SIGNATURE

TITLE
Director

DATE
6-16-03

(COMPLETE REVERSE SIDE)

(j) **Short explanation of rule, its purpose, and anticipated effects:** Proposed new guidelines are being developed to recognize changes in shoreline management law, science and land use practice. The new guidelines will be implemented as local governments update their local shoreline master programs to comply with deadlines established in statute adopted by the 2003 Legislature. Updated shoreline master programs will provide updated standards for public and private construction and location of structures, uses and activities in shoreline areas, including dredging, drilling, dumping, filling, removal of minerals, removal/restoration of vegetation, bulkheading and related shoreline stabilization devices, driving of pilings, placing of obstructions or any project which interferes with the normal public use of the surface waters of the state. The new guidelines will apply to water areas, associated wetlands and adjacent uplands that are subject to the Shoreline Management Act.

Does proposal change existing rules? ☒ YES ☐ NO

If yes, describe changes:

Yes, the proposal will change existing rules. It is proposed to repeal the existing Parts III and IV of Chapter 173-26 (which were declared invalid in part by the Shorelines Hearings Board) and to replace them with new rule language proposed by the department. Existing Part V, Ocean Management, is also proposed to be relocated (to be labeled as Part IV), unchanged.

(k) Has a small business economic impact statement been prepared under chapter 19.85 RCW?

☒ Yes. Attach copy of small business economic impact statement.

A copy of the statement may be obtained by writing to:

Shorelines SBEIS Request
P.O. Box 47600
Olympia, WA 98504-7600
or e-mail: shorelineguidelines@ecy.wa.gov
or fax: (360) 407-6902

☐ No. Explain why no statement was prepared

(l) Does RCW 34.05.328 apply to this rule adoption?

☒ Yes

Please explain: A draft Cost Benefit Analysis is available for review and comment. A copy of the draft document may be obtained by writing to:

Shorelines CBA Request
P.O. Box 47600
Olympia, WA 98504-7600
or e-mail: shorelineguidelines@ecy.wa.gov
or fax: (360) 407-6902

☐ No

SHORELINE MASTER PROGRAM

2003 Public Hearings Schedule (All Locations)

Open House: 5:30 p.m.

Public Hearing: 7:00 p.m.

DATE

LOCATION

**Tuesday
August 5**

Seattle Center - Shaw Room
305 Harrison St
Seattle, WA 98109

**Wednesday
August 6**

**Public Utility District
of Cowlitz County - Auditorium**
961 12th Avenue
Longview, WA 98632

**Tuesday
August 12**

WA State University - Phase I Classroom
668 North River Point
Spokane, WA 99202

**Wednesday
August 13**

Chelan County Public Utility District No 1
327 N. Wenatchee Ave.
Wenatchee, WA 98801